



PATENT
Customer No. 22,852
Attorney Docket No. 09367.0086-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|------------------------------|
| In re Application of: |) | |
| |) | |
| Gustave BERGNES |) | Group Art Unit: 1624 |
| |) | |
| Application No.: 10/644,244 |) | Examiner: Tamthom Ngo TRUONG |
| |) | |
| Filed: August 20, 2003 |) | |
| |) | |
| For: COMPOUNDS, COMPOSITIONS, AND METHODS |) | Confirmation No.: 6081 |
| |) | |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents foreign and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

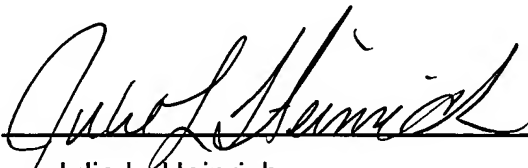
If there is any further fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Date: September 21, 2005

By:


Julie L. Heinrich
Reg. No. 48,070

| | | | | | | |
|--|------------------|----|---|--------------------------|-----------------|--|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO | | | | Complete if Known | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Application Number | 10/644,244 | |
| | | | | Filing Date | August 20, 2003 | |
| | | | | First Named Inventor | Gustave Bergnes | |
| | | | | Art Unit | 1624 | |
| | | | | Examiner Name | Tamthom Truong | |
| Attorney Docket Number | 09367.0086-00000 | | | | | |
| Sheet | 1 | of | 1 | | | |

OIPE
 SEP 22 2005
 PATENT & TRADEMARK OFFICE

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS | | | | | |
|---|-----------------------|--|---|---|---|
| Examiner Initials | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | | US-2004/0242596-A1 | 12-02-2004 | Kim et al. | |
| | | US-2004/0259826-A1 | 12-23-2004 | Fraley et al. | |
| | | US-2005/0152940-A1 | 07-14-2005 | Hezi-Yamit et al. | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-----------------------|---|--------------------------------|---|---|--------------------------|
| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁸ |
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁸ |
| | | Office Action mailed June 24, 2005, for U.S. Application No. 10/773,602, filed February 6, 2004. | |
| | | Office Action mailed July 6, 2005, for U.S. Application No. 10/982,195, filed November 5, 2004. | |
| | | Gavezzotti "Are Crystal Structures Predictable" <i>Acc. Chem. Res.</i> 27:309-314 (1994) | |
| | | Wolff (ed.) <u>Burger's Medicinal Chemistry and Drug Discovery</u> , 5 th Edition Volume 1: Principles and Practice, John Wiley & Sons, New York, pp. 975-977 (1995) | |
| | | Banker et al. (eds.) <u>Modern Pharmaceuticals Third Edition, Revised and Expanded</u> , Marcel Dekker, Inc., New York, pp. 451 & 596 (1996) | |
| | | Coleman et al. "Inhibitors of the mitotic kinesin spindle protein" <i>Expert Opin. Ther. Patents</i> 14(12): 1659-1667 (2004) | |
| | | Li et al. "Discovery and development of antimetabolic agents that inhibit tubulin polymerisation for the treatment of cancer" <i>Expert Opin. Ther. Patents</i> 12(11): 1663-1702 (2002) | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.